

Message Text

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PAGE 01 MEXICO 11391 061945Z

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ACTION ARA-10

INFO OCT-01 ISO-00 SCSE-00 SCA-01 DHA-02 L-03 H-02 SSO-00

SS-15 PA-02 PRS-01 USIE-00 JUSE-00 SNM-02 DEAE-00

INR-07 INRE-00 /046 W

----- 001730

O 061856Z SEP 76 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC NIACT IMMEDIATE 7206

INFO ALL US CONSULATES IN MEXICO VIA POUCH

UNCLAS MEXICO 11391

E. O. 11652: N/A

TAGS: CASC, MX

SUBJECT: MEXICAN LEGAL INITIATIVES ON PRISONER PROBLEM

1. UNDERSECRETARY OF GOBERNACION SERGIO GARCIA RAMIREZ ANNOUNCED AT A PRESS CONFERENCE SEPTEMBER 5 THAT PRESIDENT ECHEVERRIA WAS SENDING TO CONGRESS TWO INITIATIVES ADDRESSED TO THE PROBLEM OF PRISONERS. ACCORDING TO REPORT IN EXCELSIOR AND ENGLISH-LANGUAGE NEWS, THE FIRST INITIATIVE WOULD AMEND ARTICLE 18 OF THE MEXICAN CONSTITUTION BY ADDING A PARAGRAPH GIVING THE CHIEF EXECUTIVE THE POWER TO NEGOTIATE CONVENTIONS WITH FOREIGN GOVERNMENTS UNDER WHICH PRISONERS OF OTHER NATIONALITIES SENTENCED FOR OFFENSES UNDER FEDERAL LAW COULD SERVE THEIR SENTENCES IN THEIR COUNTRIES OF ORIGIN. GARCIA RAMIREZ EXPLAINED THAT THE PROPOSAL IS INTENDED TO PROMOTE THE SOCIAL REHABILITATION OF PRISONERS, WHICH IS DIFFICULT WHEN THEY ARE IMPRISONED IN A FOREIGN COUNTRY WHOSE CUSTOMS, INSTITUTIONS AND CULTURE DIFFER FROM THOSE OF THE SOCIETY TO WHICH THEY MUST RETURN. HE EXPLAINED THAT THE TRANSFER TO ONE'S OWN COUNTRY WOULD BE OPTIONAL, NOT AUTOMATIC, AND THAT THOSE CONVICTED OF POLITICAL OFFENSES WOULD NOT BENEFIT FROM THE PROPOSAL. ACCORDING TO THE NEWS, THE PROPOSED AMENDMENT PROVIDES THAT FOREIGN PRISONERS CONVICTED OF OFFENSES UNDER STATE LAWS MIGHT PARTICIPATE IN THE EXCHANGE IF THE STATE GOVERNOR PETITIONS THE FEDERAL GOVERNMENT.

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PAGE 02 MEXICO 11391 061945Z

2. BASED ON REPORTS IN EXCELSIOR AND THE NEWS, THE SECOND INITIATIVE PROPOSES AN AMENDMENT TO ARTICLE 85 OF THE PENAL CODE TO ALLOW PRISONERS CONVICTED OF CRIMES AGAINST HEALTH (WHICH INCLUDES NARCOTICS OFFENSES) TO BE ELIGIBLE FOR PAROLE(LIBERTAD PREPARATORIA). THE PROPOSAL WOULD MODIFY A 1971 AMENDMENT WHICH EXCLUDED THIS CATEGORY OF OFFENDERS FROM ELIGIBILITY FOR PAROLE. HABITUAL CRIMINALS AND THOSE CONVICTED TWICE FOR THE SAME CRIME WOULD NOT BE ELIGIBLE FOR PAROLE.

3. COMMENT: EMBASSY ATTEMPTING TO CONTACT GARCIA RAMIREZ TO OBTAIN MORE DETAILS ON PROPOSED LEGISLATION. PAROLE PROPOSAL, WOULD PRESUMABLY ALLOW PRISONERS TO BENEFIT FROM PROVISIONS PROVIDING FOR "LIBERTAD PREPARATORIA" AFTER SERVING TWO-THIRDS OF SENTENCE, IN ADDITION TO REDUCTION OF SENTENCE GAINED BY COMMISSIONED WORK. UNDER SUCH TERMS MANY, IF NOT MOST, OF CONVICTED AMERICAN PRISONERS WOULD BE ELIGIBLE FOR PAROLE IN NEAR FUTURE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRISONER EXCHANGE, PROGRAMS (PROJECTS)
Control Number: n/a
Copy: SINGLE
Draft Date: 06 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MEXICO11391
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760337-0440
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760988/aaaacxjv.tel
Line Count: 79
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: cahillha
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2004 by MaustMC>; APPROVED <29 DEC 2004 by cahillha>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MEXICAN LEGAL INITIATIVES ON PRISONER PROBLEM
TAGS: CASC, MX, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006